

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES G. RUBEL,

Plaintiff,

ORDER

08-cv-238-bbc

v.

JAMES GREER, SHARON ZUNKER
and FERN SPRINGS,

Defendants.

In this case plaintiff Charles Rubel was allowed to proceed in forma pauperis on his Eighth Amendment claim that defendants Fern Springs, James Greer and Sharon Zunker refused to address his serious medical needs. On March 6, 2009, defendants moved for summary judgment in this case, and briefing was set on the motion. Notice of the schedule established for briefing the motion was mailed by the clerk's office to plaintiff's last known address, which is 412 8th Avenue Northeast, Waseca, Minnesota, 56093. According to the schedule, plaintiff had until April 6, 2009 to oppose the motion. The court has not received plaintiff's response, presumably because defendants mailed their motion to the wrong address. The certificate of service defendants filed with their motion for summary judgment

shows that the motion and supporting materials were mailed to plaintiff at 418 8th Avenue Northeast, Waseca, Minnesota, 56093. Therefore, I will direct defendants to re-serve their motion on plaintiff at the correct address no later than April 15, 2009. Plaintiff will have until May 15, 2009, to file a response, and defendant will have until May 25, 2009, to file a reply.

ORDER

IT IS ORDERED that defendants must re-serve their summary judgment motion and supporting materials on plaintiff at the correct address no later than April 15, 2009. Plaintiff will have until May 15, 2009, to file a response, and defendant will have until May 25, 2009, to file a reply.

Entered this 10th day of April, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge